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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR94-006-RSL  
09 Plaintiff, )  
10 v. ) SUMMARY REPORT OF U.S.  
11 JERRY JOE SMITH, ) MAGISTRATE JUDGE AS TO  
12 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before  
15 me on September 6, 2007. The United States was represented by AUSA Annette Hayes and the  
16 defendant by Howard Phillips for Allen R. Bentley. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about March 11, 1994 by the Honorable Carolyn R.  
18 Dimmick on a charge of Bank Robbery, and sentenced to 151 months custody, 3 years supervised  
19 release. (Dkt. 15.)

20 The conditions of supervised release included the standard conditions plus the requirements  
21 that defendant be prohibited from possessing firearms, submit to search, participate in drug  
22 treatment, abstain from alcohol and provide financial information as requested to his probation

01 officer.

02 On April 24, 2007, defendant's probation officer reported that defendant had violated the  
03 terms of supervised release by using cocaine. Defendant was reprimanded, placed in a structured  
04 testing program, referred for professional assessment and intensive outpatient treatment, and no  
05 further action was taken at the time. (Dkt. 20.) The case was reassigned to the Honorable Robert  
06 S. Lasnik on June 20, 2007.

07 On June 20, 2007, defendant admitted to violating the conditions of supervised release by  
08 using marijuana and using cocaine. (Dkt. 25.) Defendant was sentenced to time served in custody  
09 (36 days), and supervised release of 34 months, and required to participate in a home confinement  
10 program with electronic monitoring for up to 60 days. (Dkt. 31.)

11 In an application dated August 28, 2007 (Dkt. 32), U.S. Probation Officer Michael S.  
12 Larsen alleged the following violation of the conditions of supervised release:

13 1. Using cocaine, on or about August 22, 2007, in violation of standard condition  
14 number 7.

15 Defendant was advised in full as to the charge and as to his constitutional rights.

16 Defendant admitted the alleged violation and waived any evidentiary hearing as to whether  
17 it occurred.

18 I therefore recommend the Court find defendant violated his supervised release as alleged,  
19 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be  
20 set before Judge Lasnik.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 6th day of September, 2007.

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04 Mary Alice Theiler  
05 United States Magistrate Judge

06 cc: District Judge: Honorable Robert S. Lasnik  
07 AUSA: Annette Hayes  
08 Defendant's attorney: Allen R. Bentley, Howard Phillips  
09 Probation officer: Michael S. Larsen  
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